

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: I-5334

REGULATORY PROJECT MANAGER: John Davidson

Date: 29 June 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 29 June 2006

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Tyler

Center Coordinates of Site by Latitude & Longitude Coordinates

30-37-30.1287 N; 94-25-21.4300 W

Approximate Size of Site/Property (Including Uplands & in Acres)

3.75 acres

Name of Waterway or Watershed

Neches River

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce				X	

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contained a wetland with no direct hydrologic surface connection to a water of the United States. Therefore the wetland is isolated with no known nexus to interstate commerce and therefore, is not a water of the United States.

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 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-16194/(01)

REGULATORY PROJECT MANAGER: Chris Wrbas

Date: 15 Aug 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 15 Aug 2006

At the project Site: Y(Y/N)

Date: 15 Aug 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 31' 20"N, 95° 14' 38"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Cowart Creek

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

D-16194 (01)

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG
FILE NUMBER: D-17426

REGULATORY PROJECT MANAGER: John Wong **Date:** 6 July 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 6 July 2006
 At the project site Y (Y/N) **Date:** 24 Apr 2006

PROJECT LOCATION INFORMATION:

State: Texas
 County: Nueces
 Center coordinates of site by latitude & longitudinal coordinates: 27-44-42/97-07-35
 Approximate size of site/property (including uplands & in acres): 60 acres
 Name of waterway or watershed: Gulf of Mexico

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Dune barrier and development between wetland and Gulf of Mexico. Numerous barriers to Corpus Christi Bay.

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 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18345

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 11 August

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 11 August 2006

At the project Site: Y(Y/N)

Date: 08 August 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center Coordinates of Site by Latitude & Longitude Coordinates

30° 22' 02"N, 95° 25' 12"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

65 acres

Name of Waterway or Watershed

West Fork San Jacinto

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED _
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18345, Montgomery County, Jurisdictional Delineation Verification for Proposed FM 1484 Re-Route from Loop 336 to FM 2432 in Conroe, Montgomery County, Texas.
2. There are two isolated wetland areas located on the reviewed tract of land. The wetlands are small, approximately 0.02 acre, depressional areas on the tract of land. The wetland areas do not have a direct hydrologic connection to the surface tributary system. The wetland areas are located outside of the 100-year floodplain of the creek. The wetlands do not have a nexus to interstate or foreign commerce.
3. This is a preliminary jurisdictional determination.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: GALVESTON

FILE NUMBER: D18393

REGULATORY PROJECT MANAGER: Johnson

Date: 7/11/2006

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project YES (Y/N)

Date: 7/11/2006
Date: 4/27/2006

PROJECT LOCATION INFORMATION:

State:
County:
Center Coordinates of Site by Latitude & Longitudinal Coordinates:
Approximate Size of Site/Property (Including Uplands & In Acres):
Name of Waterway or Watershed:

Texas
Harris
29° 59' 54"N, 95° 40' 09"W
Little Cypress Creek

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands			XXXXXXXX						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXX
Is or would be used as habitat for endangered species?					XXX
Is used to irrigate crops sold in interstate commerce?					XXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

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DISTRICT OFFICE: GALVESTON

FILE NUMBER: D18528

REGULATORY PROJECT MANAGER: Johnson

Date: 8/23/2006

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project Site (Y/N)

Date: 8/23/2006
Date: _____

PROJECT LOCATION INFORMATION:

State: _____
County: _____
Center Coordinates of Site by Latitude & Longitudinal Coordinates: _____
Approximate Size of Site/Property (Including Uplands & In Acres): _____
Name of Waterway or Watershed: _____

Texas
Harris
29° 37' 16"N, 95° 29' 05"W
295
Sims Bayou

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXX								
Slough									
Prairie Pothole					VOID				
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXX
Is or would be used as habitat for endangered species?					XXX
Is used to irrigate crops sold in interstate commerce?					XXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District
FILE NUMBER: D-18592 Site 1
REGULATORY PROJECT MANAGER: Mark Pattillo
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): Y **Date:** 13 September 2006
 At project site (Y/N): N **Date:**

PROJECT LOCATION INFORMATION:

State: Texas
County: Aransas
Center coordinates of site by latitude & longitudinal coordinates: 28-03-40 E; 97-04-09 N
Approximate size of site/property (including uplands & in acres): 153 acres
Name of waterway or watershed: Aransas Bay

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
River	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Stream	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Dry Wash	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Mudflat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Sandflat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Slough	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Prairie pothole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Wet meadow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Playa lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Vernal pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Natural pond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Other water (identify type) stock tank	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is or would be used as habitat by other migratory birds that cross state lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is or would be used as habitat for endangered species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is used to irrigate crops sold in interstate commerce?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ or Approved ☒

ADDITIONAL INFORMATION SUPPORTING NJD (required):

1. Site/Environmental Conditions Total Size of Non-Jurisdictional Water Feature 6.99 acres
 Does water feature extend off of project site? Y / N N
 Would proposed discharge fill entire water feature ? Y / N Y
 Number of water features determined Non-Jurisdictional 5
 Other relevant information

2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: Four isolated, non-navigable, intrastate waters with no known nexus to interstate commerce, and one stock tank excavated from uplands.

3. Do waters of the U.S. exist on the site? Y / N N If Yes, approximate size of jurisdictional water(s):

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 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18673

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 22 August

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 22 August 2006

At the project Site: Y(Y/N)

Date: 21 August 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 32' 30"N, 95° 09' 22"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

300 acres

Name of Waterway or Watershed

North Galveston Bay

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands					X				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED _
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18673, CDC Houston, Inc., Jurisdictional Determination for 300-Acre Tract, West of Interstate 45 and between El Dorado and Bay Area Boulevard, Harris County, Texas.
2. There appear to be isolated wetland areas located on the reviewed tract of land. The areas are depressional areas on the tract of land. The areas can be seen on the historic topographic maps as well as the aerial photography. The wetland areas do not have a direct hydrologic connection to the surface tributary system. The wetland areas are located outside of the 100-year floodplain. The wetlands do not have a nexus to interstate or foreign commerce.
3. This is a preliminary jurisdictional determination.

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DISTRICT OFFICE: CESWG

FILE NUMBER: D-18710

REGULATORY PROJECT MANAGER: Doug Boren

Date: 12 July 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 12 July 2006

At the project Site: Y(Y/N)

Date: 29 June 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center Coordinates of Site by Latitude & Longitude Coordinates

30° 18' 05"N, 95° 25' 20"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

216 acres

Name of Waterway or Watershed

West Fork San Jacinto

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18710; Friendswood Development Company, Jurisdictional Delineation Verification of a 216-Acre Tract, Montgomery County, Texas.
2. There are two isolated wetland areas located on the reviewed tract of land. The wetlands are small, 0.053 acre, depressional areas on the tract of land. The wetland areas do not have a direct hydrologic connection to Little Caney Creek or any of its tributaries. The wetland areas are located outside of the 100-year floodplain of the creek. The wetlands do not have a nexus to interstate or foreign commerce.
3. This is an approved jurisdictional determination.

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DISTRICT OFFICE: CESWG

FILE NUMBER: D-18714

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 01 September

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 01 September 2006

At the project Site: Y(Y/N)

Date: 31 August 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 57' 57"N, 93° 53' 07"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

6.0

Name of Waterway or Watershed

Lower Neches

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18714, Total Petrochemicals USA, Inc., Jurisdictional Determination for a 6-Acre Area Adjacent to the Port Arthur Hurricane Flood Protection Levee, Jefferson County, Texas.
2. The proposed site consists of three ponded areas that have fringe wetlands. The history of the ponds is unclear, but it appears they were a part of a Solid Waste Management Unit sometime in the past. The ponds onsite are located outside of the 100-year floodplain and are separated from the nearest water by two levees, including the Port Arthur Hurricane Flood Protection Levee. The ponds do not have a significant nexus to interstate or foreign commerce.
3. This is an approved jurisdictional determination.

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-18791

REGULATORY PROJECT MANAGER: John Davidson

Date: 25 July 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 25 July 2006

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29-37-45.1678 N; 95-11-12.0266 W

Approximate Size of Site/Property (Including Uplands & in Acres)

6 Acres

Name of Waterway or Watershed

Buffalo Bayou watershed

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce				X	

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contains wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18822

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 29 August

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 29 August 2006

At the project Site: Y(Y/N)

Date: 01 August 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 43' 42"N, 95° 03' 03"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

11 mile pipeline right-of-way

Name of Waterway or Watershed

North Galveston Bay

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18822, Enterprise GC, L.P., Jurisdictional Delineation Verification for an 11-Mile Pipeline Right-of-Way, Harris and Chambers Counties, Texas.
2. There are four isolated wetland areas located on the reviewed tract of land. The wetland areas are depressional areas along the existing pipeline right-of-way (ROW). The wetland areas do not have a direct hydrologic connection to the surface tributary system and are located outside of the 100-year floodplain. The wetlands do not have a nexus to interstate or foreign commerce. The wetlands simply collect precipitation for long enough to exhibit the three criteria of a wetland. The discharge of dredged or fill material into these wetlands will not have a significant impact on a navigable water of the United States. The impacts are temporary since the pipeline ROW will be restored after the installation of the new pipeline.
3. This is a preliminary jurisdictional determination.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-18845

REGULATORY PROJECT MANAGER: John Davidson

Date: 12 Aug. 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 12 August 2006

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29-32-52.7198 N; 95-8-6.4998 W

Approximate Size of Site/Property (Including Uplands & in Acres)

1.6 Acres

Name of Waterway or Watershed

Clear Creek/Galveston Bay watershed

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce				X	

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contains wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18852

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 07 September

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)
 At the project Site: Y(Y/N)

Date: 07 September 2006

Date: 05 September 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 42' 28"N, 95° 08' 42"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

200 acres

Name of Waterway or Watershed

Buffalo-San Jacinto

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED _
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18852, Land Development Company, Ltd., Jurisdictional Determination for a 200-Acre Tract, Southeast of the Highway 225 and Beltway 8 Intersection, Harris County, Texas.
2. There was one isolated wetland area delineated by the applicant's consultant. A site visit was conducted on 05 September 2006 and there were more wetland areas located on the proposed tract of land that were not delineated by the consultant. At the time of the site visit, a data point was taken of one of the areas that appeared to be a wetland using the signatures on the aerial photograph. The area met the three criteria and areas with the same signature were assumed to be wetlands also. The Corps did not delineate the additional wetland areas. During the site visit, the Corps made a determination that the additional wetland areas are not located within the 100-year floodplain, nor do they have a surface hydrologic connection to a water of the United States or a nexus to interstate commerce, therefore, they are considered isolated.

The acreages of the isolated wetlands on the property were estimated from the aerial photograph signatures.

3. This is a preliminary jurisdictional determination.

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18853

REGULATORY PROJECT MANAGER: Doug Boren
2006

Date: 28 September

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 27 September 2006

At the project Site: Y(Y/N)

Date: 14 September 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

30° 06' 23"N, 95° 32' 05"W (NAD83)

Approximate Size of Site/Property (Including Uplands & in Acres)

107 acres

Name of Waterway or Watershed

Spring

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED _
 ADDITIONAL INFORMATION SUPPORTING NJD: Attached

Additional Information Supporting NJD

1. D-18853, ESA Specialists of America, Jurisdictional Determination for a 107-Acre Root Road Tract, Harris County, Texas.
2. The project site contains approximately 3 acres of wetlands. The wetlands are not contiguous, bordering, or neighboring a water of the United States. The wetlands are located outside of the 100-year floodplain and do not have a nexus to interstate or foreign commerce. There is one wetland approximately 2.5 acres on-site. The wetland area was mapped as a pond on the historic topographic maps. The site most likely was a stock pond. The area has been used for cattle in the past, there was another stock pond on the property, and the area was on top of a hill. The history of the area was unclear, but since the pond area is now a wetland, it has been included in the acreage total for the isolated wetland areas on-site.
3. This is a preliminary jurisdictional determination.

3. Do waters of the U.S. exist on the site? Y / N **N** If Yes, approximate size of jurisdictional water(s):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District
FILE NUMBER: D-18893 Site 2
REGULATORY PROJECT MANAGER: Mark Pattillo
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): Y **Date:** 23 August 2006
 At project site (Y/N): N **Date:**

PROJECT LOCATION INFORMATION:

State: Texas
County: Willacy
Center coordinates of site by latitude & longitudinal coordinates: 26-31-42.1 N; 97-56-10.0
Approximate size of site/property (including uplands & in acres): 10 acres
Name of waterway or watershed: La Sal Vieja

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
River	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Stream	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Dry Wash	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Mudflat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Sandflat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Slough	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Prairie pothole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Wet meadow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Playa lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Vernal pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Natural pond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Other water (identify type)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is or would be used as habitat by other migratory birds that cross state lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is or would be used as habitat for endangered species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is used to irrigate crops sold in interstate commerce?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ or Approved ☒

ADDITIONAL INFORMATION SUPPORTING NJD (required):

1. Site/Environmental Conditions Total Size of Non-Jurisdictional Water Feature 1,560 acres
 Does water feature extend off of project site? Y / N Y
 Would proposed discharge fill entire water feature ? Y / N N
 Number of water features determined Non-Jurisdictional 1
 Other relevant information

2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: Isolated, non-navigable, intrastate water, which has no known nexus to interstate commerce.

3. Do waters of the U.S. exist on the site? Y / N N If Yes, approximate size of jurisdictional water(s):